

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>MICHAEL WASHINGTON</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>2:05CV1058-F</b>
<b>v.</b>	)	
	)	
<b>CITY OF MONTGOMERY, AL,</b>	)	
	)	
<b>Defendant.</b>	)	

**DEFENDANT'S RESPONSE TO  
PLAINTIFF'S MOTION TO DISMISS**

**COMES NOW** Defendant, City of Montgomery, in the above styled action, by and through the undersigned counsel, and states unto the Court that it has no objection to the Plaintiff's Motion to Dismiss.

Done this the 13<sup>th</sup> day of February, 2006.

/s/Kimberly O. Fehl  
KIMBERLY O. FEHL (FEH001)  
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Legal Division  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of February, 2006, I have mailed to the following by United States mail, first class, postage prepaid the following:

Hon. Janice Spears-Turk  
2735 Office Park Circle  
Montgomery, Alabama 36116

/s/Kimberly O. Fehl  
Of Counsel